

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

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CLERK, U.S. DISTRICT COURT, CHARLESTON, SC

2015 APR - 8 A 10:27

Nicholas S. Williams,)	
)	No. 9:14-cv-0787
Plaintiff,)	
)	ORDER
vs.)	
)	
Major Jones, <i>Supt. LCDC</i> ; James Metts,)	
<i>Sheriff, Lexington County Sheriffs Dept.</i> ;)	
William Miles, <i>MD, LCDC</i> ,)	
)	
Defendants.)	
)	
)	

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 52), recommending that the Court grant Defendants' Motions for Summary Judgment (Dkt. Nos. 45, 46). Plaintiff has not filed any objections to the R & R. For the reasons stated below, the Court ADOPTS the R & R and GRANTS Defendants' motions.

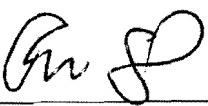
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.”²⁸ U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for

adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court agrees with the Magistrate Judge that Defendants are entitled to summary judgment because Plaintiff has failed to exhaust his administrative remedies. Plaintiff did not file any grievances related to overcrowding, being denied access to a law, or pest issues. While Plaintiff filed two grievances related to his medical claims, these grievances were filed during the pendency of this suit, not before. Furthermore, the Court agrees that, with regard to Plaintiff's medical claims, Plaintiff has also failed to put forward evidence that Defendants were deliberately indifferent to a serious medical need. Plaintiff admits that, after his fall, he was seen by medical personnel, received motrin, and had x-rays taken of his back.

Therefore, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation, (Dkt. No. 52), as the order of this Court. Accordingly, Defendants' motions for summary judgment (Dkt. Nos. 45, 46) are **GRANTED**, and this case is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

April 7, 2015
Charleston, South Carolina